

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the adoption of new)	NOTICE OF EXTENSION OF
Rules I through XLI, the amendment of)	COMMENT PERIOD ON
37.37.316 and 37.37.318 and the)	PROPOSED ADOPTION,
repeal of ARM 37.97.1001, 37.97.1002,)	AMENDMENT, AND REPEAL
37.97.1006, 37.97.1011, 37.97.1013,)	
37.97.1014, 37.97.1016, 37.97.1018,)	
and 37.97.1019 pertaining to youth)	
foster homes)	

TO: All Interested Persons

1. On December 8, 2005, the Department of Public Health and Human Services published MAR Notice No. 37-360 pertaining to the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules relating to youth foster homes, at page 2379 of the 2005 Montana Administrative Register, issue number 23. The Department is extending the comment period for the proposed adoption, amendment, and repeal of these rules.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice. If you need to request an accommodation, contact the department no later than 5:00 p.m. on March 1, 2006, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; Email dphhslegal@mt.gov.

2. The hearing on the proposed adoption, amendment, and repeal was held on January 5, 2006, at 1:30 p.m. in the auditorium of the Department of Public Health and Human Services Building, 111 N. Sanders, Helena, Montana to consider the proposed adoption, amendment, and repeal of the above-stated rules. At the hearing the Department announced a revision to the text of Rule V, deleting text that indicated an exception for kinship homes that it did not intend, and announced an extension of the comment period to February 3, 2006, to allow time for additional comment. The Department is now formally extending the comment period to March 9, 2006 to allow additional time to comment on the changes proposed in MAR Notice No. 37-360 and the revision of the text of Rule V.

3. The rule as proposed to be amended from the original proposal provides as follows. Matter to be added is underlined. Matter to be deleted is interlined.

RULE V YOUTH FOSTER HOMES: LICENSURE AND RENEWAL

(1) The department shall issue a youth foster home, kinship foster home, or therapeutic foster home license to any license applicant that the department determines meets all licensing requirements established by these rules. The license will expire one year from the date it is issued unless it is extended up to an additional 60 days pursuant to (3).

(2) For placement made on or after [effective date of rule], the number of children for whom a ~~kinship~~ foster home is licensed will be based in part on the number of children already residing in the home. There shall be a maximum of seven children residing in a ~~kinship~~ foster home at any one time unless an exception is made by the regional administrator to accommodate placement of a sibling group.

(3) The department shall renew the license annually on the expiration date of the previous year's license if:

(a) the foster parents apply for renewal of the foster home license on a form provided by the department at least 30 days prior to the expiration date of the current license; and

(b) following completion of a relicensing study, the department determines that the foster home continues to meet all licensing requirements established by these rules.

(4) If the foster parent submits a completed application packet for renewal of a license at least 30 days prior to the expiration of the license, but the department is unable to complete the relicensing study but makes a determination that the home is in compliance with the licensing requirements before the expiration date of the previous year's license, the previous year's license will continue in effect for no more than 60 days while the department completes the relicensing study.

AUTH: 52-1-103, 52-2-111, 52-2-601, 52-2-621, 52-2-622, MCA

IMP: 52-1-103, 52-2-111, 52-2-601, 52-2-621, 52-2-622, MCA

4. The rationale for limiting the number of children in any foster home was stated in the original notice. Due to a typographical error the word "kinship" was inadvertently included in Rule V in error. This is a rule the Department is proposing to have apply to all foster homes.

5. Interested persons may submit their data, views or arguments to Gwen Knight, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 202951, Helena, MT 59620-2951, no later than 5:00 p.m. on March 9, 2006. Data, views or arguments may also be submitted by facsimile (406)444-1970 or by electronic mail via the Internet to dphhslegal@mt.gov. The Department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

/s/ Dawn Sliva
Rule Reviewer

/s/ Russ Cater for
Director, Public Health and
Human Services

Certified to the Secretary of State February 13, 2006.